

REMARKS

Summary

Claims 1-3 and 6 were pending. Claims 1-3 were rejected and Claim 6 was objected to in the present Office action. No new matter has been added. The Applicant has carefully considered the reference and the reasons set forth by the Examiner and respectfully traverses the rejection.

Comments on Examiner's Response

Contrary to the Examiner's assertions, the extracts from the specification adduced to support maintenance of the rejection in fact support the Applicant's position. In an embodiment, given as an example and not by way of limitation, "[a] motor can be used as the actuator" and "the force of vibration around the driving shaft of the rotating motor can be applied to the manual control knob." (specification, page 7, lines 7-10) On the other hand, "the actuator is swingably movably fitted to the frame". (specification, page 7, lines 11-12, as amended in the RCE amendment). It is evident that, in this embodiment, the actuator is a higher level assembly of which the driving shaft is a part. The driving shaft rotates with the respect to the actuator, and the actuator swings with respect to the frame.

In this context, the citation of page 16, line 2 of the specification, that the Examiner contends shows that the actuator is rotated, is seen to be a description of the rotating shaft 14a, and not of the actuator 14, of which the rotating shaft is a component part. Similarly, the citation of page 13, last line, is seen to be a statement as to the type of actuator being described in the embodiment, and not to the relationship of the actuator to the frame. As such, the Applicant respectfully traverses the Examiner's response and respectfully requests that it be reconsidered and withdrawn.

Objection

Claim 6 was objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitation of the base

claim and any intervening claims. In view of the traverse presented below, the Applicant respectfully declines the Examiner's suggestion.

Rejection of Claims

In previous Office Actions, Claims 1 and 3 were rejected under 35 U.S.C. §102(e) as being anticipated by Levin et al. (U.S. 6,154,201; "Levin"). The Applicant respectfully traverses this rejection on the basis that a *prima facie* case of anticipation has not been made out. The Applicant reiterates the arguments previously presented and amplifies on them below.

Claim 1 recites, *inter alia*, an actuator swingably movably fitted with respect to a frame.

As discussed above, the term "rotatable" is differentiated from "swingably" in the specification. The term "rotation" is not found in Claim 1, except as applied to the driving shaft of the actuator, so the Applicant presumes that the Examiner is asserting that "swingably", as recited in Claim 1, is the same as "rotatable" as meant by the reference (Levin, col. 3, line 27).

The Examiner states that the Levin shows "an actuator laterally movably fitted to a frame (Fig. 3A:70 ; Col.9'57:60)". (Office action page 2, last paragraph). However, in Fig. 3A and at col. 9, lines 57-60 it may be seen that "[t]he housing 72 of the actuator 70 is rigidly coupled to grounded member 74, and the shaft 68 rotates with respect to the housing 72 and the member 74." From this recitation, it would appear that the Examiner has identified the "frame" of Claim 1 with the "grounded member" 74, shown in Fig. 3A of the reference. *Arguendo*, this is accepted in order to facilitate discussion.

At most, the shaft 68 rotates with respect to the actuator 70 of which it is a part, the housing 72, and the grounded member 74, each of which is fixed. Thus, rather than being "laterally movably fitted", the actuator taught by Levin is actually "rigidly coupled" to the grounded member 74. Nothing in the reference teaches or suggests that, as recited in Claim 1, the "actuator swingably movably fitted with respect to a frame." Moreover, when two different words are used in the same claim, it must be presumed

that they have different meanings, and that the meanings are understood in the context of the specification.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*"

Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir 1984) (citing Connell v. Sears Roebuck & Co. 722 F.2d 1542 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

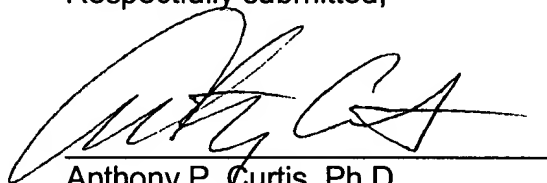
For at least the reasons given above, the reference does not teach all of the elements and limitations of the present Claim 1, and the arrangement thereof, and therefore a *prima facie* case of anticipation cannot be made out. Claims 3 and 6 are dependent on allowable Claim 1 and is allowable, without more.

Conclusion

In view of the amendments and arguments above, Applicant respectfully submits that all of the pending claims are in condition for allowance.

If for any reason the Examiner is unable to allow the application in the next Office Action and believes that a telephone interview would be helpful to resolve any remaining issues, she is respectfully requested to contact the undersigned agent or attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Anthony P. Curtis', is written over a horizontal line.

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